

# EXHIBIT 1

**From:** Steve Wood  
**Sent:** Monday, October 17, 2016 11:21 AM  
**To:** 'Lalli, Matthew'; Mary A. Wood  
**Cc:** Sorenson, Amy; Morris, Mark  
**Subject:** RE: Witness Subpoenas for NWT

Matt,

I would like to meet and confer with you regarding filing a sur-reply to FATCO's motion for summary judgment. In its Reply, FATCO raises a number of new arguments. First, FATCO argues that the Individual Defendants were employees of both Equity and FATCO, simultaneously, prior to the 2012 merger. Second, FATCO represents to the Court that the Individual Defendants' employment with Equity was never terminated prior to the merger. Third, FATCO asserts that it is not obligated to apportion its damages among the various defendants. We believe that these new argument raise material issue of fact that the Defendants should be permitted to address. Please let me know if you are willing to stipulate to the Defendants filing a short sur-reply to address these issues.

Steve

Stephen Quinn Wood  
Wood Balmforth LLC  
60 East South Temple, Suite 500  
Salt Lake City, Utah 84111

Phone: (801) 366-6060  
Fax: (801) 366-6061  
E-mail: [swood@woodbalmforth.com](mailto:swood@woodbalmforth.com)

"I firmly believe that any man's finest hour, the greatest fulfillment of all that he holds dear, is the moment when he has worked his heart out in a good cause and lies exhausted on the field of battle - victorious" -- *Vince Lombardi*

The information contained in this e-mail message is intended only for the personal and confidential use of the recipient(s) named above. This message may be an attorney-client communication and/or work product and as such is privileged and confidential. If the reader of this message is not the intended recipient or agent responsible for delivering it to the intended recipient, you are hereby notified that you have received this document in error and that any review, dissemination, distribution, or copying of this message is strictly prohibited. If you have received this communication in error, please notify us immediately by e-mail, and delete the original message.